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Mr. Timothy A. Frazier  
Designated Federal Officer  
Blue Ribbon Commission on America's Nuclear Future  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Re; Comments on BRC Draft Report

Dear Mr. Frazier,

I welcome the opportunity to comment on the July 29, 2011 Draft Report by the Blue Ribbon Commission on America's Nuclear Future. Based upon my experience in implementing the Nuclear Waste Policy Act (NWPA) of 1982 and Amendment to the Act in 1987, I believe the BRC did an outstanding job, within its Charter, of analyzing the issues surrounding the backend of the nuclear fuel cycle, consider past efforts and the circumstances around their success or failure, and make sound recommendations for the future.

In my opinion, these recommendations are appropriate regardless of the decision on Yucca Mountain.

In particular, I feel that the BRC's recommendations regarding the establishment of a new dedicated organization with access to the nuclear waste fund, development of consolidated interim storage facilities, and leadership in international nuclear efforts, particularly with regard to fuel cycle services and geologic disposal capability, are very commendable. If anything, these recommendations are overdue and it is my hope that the BRC's credibility and prestige will result in their implementation.

I would like to comment on the recommendation for a new consent based approach to siting future nuclear waste management facilities, particularly if licensing of Yucca Mountain does not proceed.

No one can argue with the appeal of a consent based siting approach, nor ignore the obvious difficulties in past efforts to site waste storage and disposal facilities. In addition, the Report documents the difficulties in the siting and characterization of the original three sites under the Nuclear Waste Policy Act of 1982, and the success of the Waste Isolation Pilot Plant in Carlsbad, NM. I believe further consideration based upon the circumstances surrounding these past efforts is necessary.



The original NWPA of 1982 was the result of four years of negotiation and compromise. The siting, selection, and final decision-making process, including state veto and override process, were based upon the premise that it was highly likely that a state would object to siting a nuclear waste repository for high-level waste and spent fuel in their state, but that this responsibility rested with the Federal Government and Congress could override the state veto. More importantly, the selection process included the detailed site characterization of three sites so that the ability of the three sites to meet established criteria could be analyzed and compared. It was assumed that in order for Congress to override a state veto, the evidence that the best of the three sites was selected would be transparent and defensible.

Once the sites at Hanford, WA, Deaf-Smith County, TX, and Yucca Mountain, NV were selected for characterization in 1986 there was general acceptance of characterization near the host sites. However opposition typically grew the further away from the site you were. The same was true for WIPP siting. Since any potential repository site is likely to be distant from major population centers, it is likely that any repository siting process will face strong opposition at least at the state level.

The Amendment to the NWPA in 1987 eliminated the carefully negotiated selection and approval process in the original Act. The Amendment changed the process from demonstrating Yucca Mountain was the best of three sites, to determining that it could meet licensing criteria, a minimum but sufficient standard. Yucca Mountain would still ultimately need to be fully characterized, recommended, approved by the President and ultimately licensed, but many felt the fairness and balance of the original process was gone. It is my opinion that had the initial characterization and selection process for three sites been followed, the selected state would still object but there would be a much more defensible and politically acceptable basis to proceed with repository licensing.

The WIPP facility has proven to be a very safe and successful operation, however the Report documents the opposition and difficulties it experienced at the state level. As with the three NWPA repository sites, the inverse square law for the force of opposition to repository siting applied there as well. Ultimately, the Federal Government's responsibility to dispose of defense transuranic waste, and the ability of New Mexico officials at the local, state and federal level to compromise, resulted in the success of WIPP. How confident can we be that this can happen again with all of the nation's spent fuel and high-level defense waste?

As the Report notes on page vi, "the approach we recommend is explicitly adaptive, staged, and consent-based", then notes on page vii, "In practical terms, this means encouraging communities to volunteer to be considered to host a new nuclear waste management facility while also allowing for the waste management organization to approach communities that it believes can meet the



siting requirements." Meeting siting requirements is an absolute necessity no matter how willing a host community or state may be, therefore more consideration and discussion regarding the approach to suitable communities should be given

I believe the BRC should address the following questions in its final report:

1. Whose consent is required to site a storage or disposal facility? For example, I live adjacent to the Hanford Site that is located in or near four cities, two counties, three Native American tribes and two States. Consent of all would be virtually impossible.
2. What if consent for a repository or storage site is not given? Does the Federal Government retain the responsibility and authority to site a facility without consent? This is especially important with the near term need for consolidated interim storage.
3. Given the requirement for a technically qualified site and the desirability of a consent based site, is a hybrid of the original NWPA and consent based process needed?
4. Existing Federal siting requirements and criteria took years and extensive public comment to establish. Do they need to be completely rewritten or reviewed and amended as appropriate?

Thank you for the opportunity to comment.

Sincerely,

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